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Hinsdale, Elizur Brace

Letter of E.B. Hinsdale

[S.I.]

[1902?]

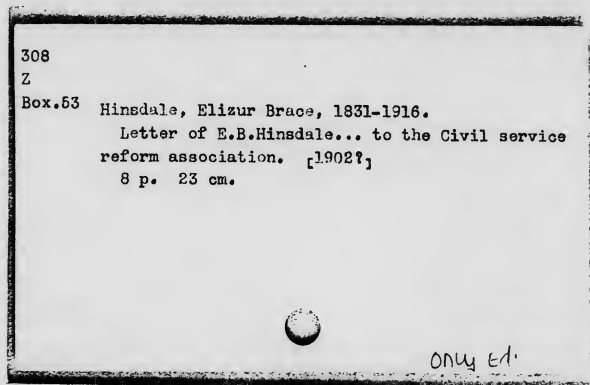
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LETTER

OF

E. B. HINSDALE

OF THE COURT OF SPECIAL SESSIONS, FIRST DIVISION
CITY OF NEW YORK

TO

THE CIVIL SERVICE REFORM ASSOCIATION



LETTER

OF

E. B. HINSDALE

OF THE COURT OF SPECIAL SESSIONS, FIRST DIVISION
CITY OF NEW YORK

TO

THE CIVIL SERVICE REFORM ASSOCIATION

COURT OF SPECIAL SESSIONS.
FIRST DIVISION.
Cor. Franklin and Centre Streets, N. Y.
JUSTICES' CHAMBERS.

December 3rd, 1902.

EVERETT V. ABBOT, Esq.,
Chairman, Committee of Membership,
Civil Service Reform Association.

DEAR SIR:

Your communication of November 26th, 1902, addressed to me, giving reasons why I should become a member of the Civil Service Reform Association, has received most careful attention.

I am constrained to decline becoming a member of such Association. I have long been in favor of a proper Civil Service administration. It can be made of the greatest service to the appointing power in every department of government if framed and administered with the sole regard to the fitness of appointees, and with due regard to the requirements of the appointing power.

I am well aware that the responsibilities of the administration of the law do not rest upon your Association, and so far as the administration of the law is subject to criticism, such criticism cannot apply to your Association, nor can you be held responsible for the same. It cannot be truthfully said that you are solely responsible for the laws and rules under which the Civil Service is now administered in this City. As I understand by your letter and from the general reputation of your Association, you are believed to be endorsers and backers of the general scheme under which the Civil Service Law is now administered. You will excuse me if I say plainly

and frankly that from an experience of several years, I am forced to the conclusion that it is a great detriment to the proper administration of the departments of this City. I say the departments of this City not from any personal knowledge of the experience of other departments, but because I infer that the difficulties the Court of Special Sessions has had to deal with must pertain to every other department.

The law and the regulations seem to be framed upon the theory that the appointing power is either incompetent or dishonest in matters pertaining to the appointment of subordinates, and so the law has practically taken away from the appointing power almost all power of selection of appointees. The proposition that all virtue and integrity in the matter of appointments is vested in the Civil Service Commission and has gone out of the heads of departments, is a proposition that I challenge as false. There may be cases, and there probably have been cases where heads of departments have not shown the greatest political integrity in making appointments, but taking men and human nature as it is, I believe the heads of all departments desire to organize their departments with efficient and capable men.

So far as the Court of Special Sessions is concerned there are six Judges here who have long desired an efficient organization. For several years last past we have been thwarted and embarrassed in our efforts to an intolerable degree by the Civil Service Law as administered by the Civil Service Commission. A few specifications of this difficulty will illustrate the unsatisfactory workings of the system:

In the matter of men to serve subpoenas throughout the Boroughs of The Bronx and Manhattan, it should be accepted without dissent that young men, active and vigorous, who can get around in all kinds of weather, can climb to the tops of buildings when necessary for the purpose of serving our papers, are the class of men that we need. Under the Civil Service Law when a requisition is made for candidates we have received a return of only three names, and under the law which gives the preference to those who have served in the Civil War, those names have been quite generally old veterans, ab-

solutely valueless and incompetent to render the service that we require. In some instances we have tried those men as the best we could do under the law, but have been greatly embarrassed by their inefficient service, and have in some cases asked them to resign rather than have them submit to be removed for incompetency. Very little relief has come from getting rid of these incompetents for, on another requisition the same kind of incompetents would be sent us. We have found relief in this matter by what would be almost an evasion of the law, ascertaining through other channels the names of some young men who are employed in different departments who could be transferred to our department under a rule of the service.

Some years since we had two excellent men as subpoena servers who discharged their duties with entire satisfaction and marked ability. Under some change in the Civil Service rules or practice, which I do not recall at this time, they were notified to appear for examination. For some reason they failed to pass as high as somebody else and the Civil Service Commission refused to place them on the eligible list or to certify for their salary. Pending the transitional period when it was not exactly known what would be the fate of the young men, they worked about a month and a half, rendering good service to the city, and were compelled to be turned out without pay. A special act of the Legislature was passed last year for the purpose of paying one of these men for the services so rendered the city.

Take another illustration: The Legislature in its "wisdom" passed what is known as the "Children's Court Act," and named the Clerk of the Court in that act, thus fastening upon us by legislative enactment a clerk without experience and one in our judgment incompetent to fill the place. He had ability to draw his salary, which he did for eight months without rendering any service to the Court or to the city. Under such circumstances it was absolutely necessary for us to procure at least a competent Deputy Clerk. We took great pains to select such a man and he entered upon the duties on the 1st day of August. Prompt action was necessary in order that the Court could be organized and opened for public business.

We were advised by the Commission and we understood that such Deputy Clerk could and would be placed upon the exempt list. Subsequently the Board of Civil Service Commissioners refused to place this gentleman on the exempt list in the first instance, but finally on October 24th the Clerk and Deputy Clerk of that Court, with the consent of the State Civil Service Commission, were placed in the exempt class. After thus correcting their error of the preceding August they still refused to certify to the salary of the Deputy Clerk and required the Justices of this Court after October 24th to reappoint the Deputy Clerk so that he might go upon the list regularly and receive his pay from the Comptroller, although the Deputy Clerk had been working faithfully since August 1st and doing his duty to the entire satisfaction of this Court. As I am advised, he has not received his salary since he was appointed, and has been obliged to borrow money to pay his expenses, and will probably have to litigate with the city to get pay for such services.

An act of the Legislature was passed in 1902 which allowed the Justices of this Court to appoint a Female Probation Officer, by and with the consent and concurrence of the Board of Estimate and Apportionment, at a salary not exceeding \$1,200 per annum. This appointment was made necessary by reason of the untimely death of Mrs. Foster, who had before that date been appointed probation officer without a salary. With great pains and care and after consultation with people connected with charitable organizations, we selected Miss Ada Eliot, and made an appointment pursuant to the act of the Legislature.

We asked the Civil Service Commission to place her upon the exempt list. We were at first advised that it would be done, but later the Municipal Civil Service Commission decided not to do so. If there ever was an appointment which should be made with extreme care, bearing in mind the especial fitness of the person appointed to the duties that are to be performed, this is one of those cases. The duties of such probation officer with reference to females is one that is strictly confidential with members of the Court, and no Civil Service

Commission is competent to pass upon such a question for us. We understand it was the active opposition of representatives of your organization that was mainly responsible in defeating us in our application to have Miss Eliot placed on the exempt list.

We have in our office at the present time three men who have been there almost from the first organization of this Court, seven years ago. They are competent and experienced and are entitled to promotion by reason of the same. The Board of Estimate and Apportionment has appropriated money to increase the salary of one, \$300 and the other two, \$150 each per annum. This in ordinary affairs of life would be a very simple process. Here again we find provisions of the civil service laws or rules requiring them to submit to an examination which may possibly imperil their position here, so erratic and unreasonable are the results of the administration of the Civil Service law that no one knows exactly what will happen under it.

As I said at the outset, your association is not responsible for the administration of the law, but is understood to stand as sponsor of many of the bad provisions of the law and the rules as they now stand. The law and the administration of it is impracticable and tends to thwart and defeat every honest effort to give a good administration to a department in this city. It seems to represent the theories and fads of men who have very inadequate appreciation of the requirements of a department in order to make such department efficient.

In my experience the most practicable and common-sense law was the one known as the "Black Civil Service Law," which provided for the examination and rating of candidates by the Commission, but which, as I recall it, required the whole list of eligible candidates in any class to be sent to the appointing power, who could examine them again and make a selection of the one best suited to the requirements of his department. Governor Black was credited with having said that he signed the law for the purpose of taking the "starch" out of the Civil Service law. At the present time "starch" should be taken out of the law so that heads of departments

can have a little something to say touching who they employ. If it is objected that the so-called Black law gave to the heads of departments the opportunity to appoint incompetents and favorites out of the long list sent them, the answer is that the Civil Service Commission should be more stringent in their examination and send in only good and competent men. Whatever faults there may have been pertaining to the administration of that law they were infinitely less than those pertaining to the present system of laws as administered at the present time in this city. The present laws as administered thwart and defeat any effort to have a good organization of a department. I will not undertake to apportion the faults that may be fairly chargeable to the law as distinct from those chargeable to its administration by the Commissioners. The whole system as now administered in its practical results is a system of "how not to do it." The law and its administration taken together, in its results, is most embarrassing to good government. In my judgment there is something radically wrong somewhere.

For the reasons stated I cannot consent to become responsible with what little influence I may possess for the existing system. I am not opposed to the Civil Service law. I would regard it as a deplorable step backward to abolish the same and go back to the conditions that existed before such laws were enacted. What I do contend for is that heads of departments know better the kind of employees they want than does the Civil Service Commission, and they are just as competent and just as honest as Civil Service Commissioners as a general rule. Under the Black law there was sufficient restraint upon the appointing power if the Civil Service Commissioners performed their duty, and at the same time there was about the right amount of flexibility in the law to give the appointing power a chance to organize his department for efficiency and in harmony with the views of the head of the department.

Yours very respectfully,

E. B. HINSDALE.

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